

## STAFF REPORT

**AGENDA ITEM:** Bureau of Land Management (BLM), Clear Creek Management Area (CCMA) and the release of the OHMVR commissioned independent report titled: "Preliminary Analysis of the Asbestos Exposures Associated with Motorcycle Riding and Hiking in the Clear Creek Management Area (CCMA)."

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**DATE:** April 5, 2011

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**Issue:** The CCMA is a popular off-highway vehicle (OHV) recreation area administered by the Hollister Field Office of the BLM. Since May 2008, the CCMA has been subject to a temporary closure order based on health concerns identified in a 2008 study conducted by the Region 9 office of the U.S. Environmental Protection Agency (EPA Region 9), related to naturally occurring asbestos.

**Background:** Located in the Diablo Mountains of Central California, the CCMA spans parts of southern San Benito County and western Fresno County. The CCMA is comprised of approximately 75,600 acres, of which 63,000 acres are managed by the BLM. The remaining acreage is under private and state ownership.

In 1984, the BLM designated approximately 30,000 acres within the CCMA as a "Serpentine Area of Critical Environmental Concern," or Serpentine ACEC. The BLM alternately refers to this same 30,000 acre area as the Hazardous Asbestos Area. Some of these minerals, such as chrysotile, can be fibrous and are termed naturally occurring asbestos (NOA). At the CCMA, the amount of chrysotile within the serpentinite is particularly rich, and the region has been mined for this asbestos mineral.

Since the mid-1970s, OHV use has been the predominant recreational activity at the CCMA, which has been recognized as one of the top ten dirt bikes areas in the nation. The majority of CCMA OHV routes lie within the Serpentine ACEC currently subject to closure. Hiking, mountain biking, rock-hounding, hunting, and camping are also popular activities at the CCMA. Prior to its temporary closure in May 2008 (discussed below), the CCMA received approximately 35,000 visitors annually.

In the years prior to the temporary closure, the Off-Highway Motor Vehicle Recreation (OHMVR) Division awarded the BLM nearly \$7,000,000 in OHV Trust Fund grants designated for use at the CCMA. These grants supported maintenance, conservation, restoration, and law enforcement activities related to OHV recreation in the CCMA.

Within the CCMA, two now-defunct chrysotile mines, the Atlas Mine and the Coalinga Mine, were subject to clean-up under the federal Superfund program. In 2004, as part of the evaluation of the Atlas Mine clean-up for possible delisting from the Superfund list, the EPA Region 9, initiated an asbestos exposure and human health risk assessment for the CCMA. The goal of the assessment was to update a 1992 BLM Human Health Risk Assessment of the area.

The EPA Region 9 findings were presented in a May 2008 risk assessment study entitled, "Clear Creek Management Area Asbestos Exposure and Human Health Risk Assessment." The EPA Region 9 study stated that the NOA inhalation health risks to individuals participating in various recreational activities, including OHV recreation, were "of concern." In response to the EPA study, the BLM Hollister Field Office issued a temporary closure of the CCMA in May 2008. The temporary closure prohibits "all forms of entry and public use" at the CCMA. The closure is still in effect while the BLM considers long-term land management alternatives.

Subsequently, the BLM Hollister Field Office prepared a Draft Resource Management Plan/Environmental Impact Statement (RMP/EIS) to guide the management of public lands in the CCMA, dated November 2009. The Draft RMP/EIS provides seven alternatives for the management of the CCMA, ranging in scope from no action to prohibition of all public access. The BLM's preferred alternative, Alternative E, would allow limited vehicle touring by highway registered vehicles, and pedestrian use within the Serpentine ACEC and non-motorized recreation opportunities outside the Serpentine ACEC. Public health and safety risks would be mitigated by requiring permits for restricted access into the Serpentine ACEC. Vehicle touring would be limited to less than 5 days/year and pedestrian activity limited to less than 12 days/year.

As required by law, the public was given the opportunity to provide comments on the Draft RMP/EIS at public meetings held in Coalinga, Hollister, and Santa Clara in January 2010. The public comment period was open for 90 days.

Given the considerable public interest, the BLM briefed the OHMVR Commission on the CCMA issue in February 2010. At that time, the Commission voted to request an extension of the public comment period on the draft RMP/EIS.

The release of the final RMP/EIS was originally proposed for September 2010, but in March 2010 the BLM extended the public comment period.

In March 2010, the OHMVR Division commissioned an independent, OHV-specific risk assessment of NOA exposure within the Serpentine ACEC of the CCMA to determine if management and operational strategies could be employed at CCMA to mitigate NOA risk while still allowing OHV recreation at the CCMA.

The independent study, entitled, "Preliminary Analysis of the Asbestos Exposures Associated with Motorcycle Riding and Hiking in the Clear Creek Management Area (CCMA), San Benito County, California" was prepared by scientists with expertise in asbestos-related risk assessment from the International Environmental Research Foundation (IERF), the Department of Physics at Harvard University, and the Center for Applied Studies of the Environment at the City University of New York. The report, hereafter referred to as the IERF Study, is dated March 8, 2011. The IERF Study documents field work conducted to collect activity-based air samples, presents quantitative and analytical findings of materials found on air sample filters, and provides risk analyses based on these findings.

**Discussion:** The IERF study findings include:

- The United States Occupational Safety and Health Administration (OSHA) has established an occupational permissible exposure limit (PEL) for airborne asbestos at 0.1 fibers per milliliter (f/ml) of air. No individual air samples collected by IERF exceeded the PEL and, on average, all of the IERF samples were more than ten times below the OSHA PEL.
- Ambient (background) concentrations of airborne asbestos fibers worldwide range from less than 0.001 f/ml, to 0.01 f/ml of air. At the time of sampling, CCMA ambient fiber concentrations measured at the low end of this range—0.00137 f/ml. Air samples collected during motorcycle trail riding at CCMA had a mean concentration at the upper end of this worldwide background range—0.013 f/ml.

- In its risk analyses, IERF assumes a typical motorcycle trail riding enthusiast would visit the CCMA five days per year and would ride for eight hours each of those days. With this assumption and the asbestos concentrations detected, IERF determined there is a lifetime risk of 0.18 asbestos-related cancer deaths per one million motorcycle trail riders.
- Using the same assumption, IERF determined the risk of asbestos-related cancer death from motorcycle trail riding at the CCMA is more than 6,500 times less than the risk of asbestos-related cancer death in the general population of the United States.

**Commission Action:** To be determined by the OHMVR Commission.